Waco After 20 Years: A Warning Against Unrestrained Government

April 19 marks the 20th anniversary of the Waco, Texas, massacre of Branch Davidian church members at the organization's Mount Carmel compound. Some 82 Davidians (including 26 children) and four ATF agents were killed in two related episodes, a February 28 military-style assault by 100 ATF agents and an April 19 fire after a six-week stand-off provoked by the FBI.

The Waco massacre ranks among the largest mass-killings of American citizens by its own government since 19th-century Indian massacres, such as Wounded Knee, the Dakota Sioux War of 1862, and the Trail of Tears.

The massacre began in a February 28 raid by ATF officials on the compound where Davidians lived. The Davidians were ready for the ATF. Four ATF agents were killed and another 16 injured, and the ATF was repulsed from the Mount Carmel Center compound. Six Davidians — a Seventh Day Adventist splinter group — were also reportedly killed in the February 28 melee.

The raid was a result of ATF allegations that the Davidian's leader David Koresh (also known by his birth name Vernon Howell) had modified legally purchased AR-15 military-style rifles to fully automatic status, a federal crime. The FBI later concluded that the Davidians had modified 48 firearms to fire in fully automatic mode, and that they also had 21 silencers and a number of "practice" hand-grenades.

Koresh had been the subject of a series of articles in the *Waco Tribune-Herald* beginning the day before the February 28 ATF raid. The paper quoted former Davidians who claimed firearms violations, as well as polygamy and child molestation, by Koresh. The series began with the following allegations:

> Waco — If you are a Branch Davidian, Christ lives on a threadbare piece of land 10 miles east of here called Mount Carmel. He has dimples, claims a ninth-grade education, married his legal wife when she was 14, enjoys a beer now and then, plays a mean guitar, reportedly packs a 9mm Glock and keeps an arsenal of military assault rifles, and willingly admits that he is a sinner without equal….
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> An eight-month *Waco Tribune-Herald* investigation that involved numerous interviews with Breault and more than 20 other former cult members and a review of court records and statements to law enforcement officials revealed complaints that Howell:
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> • abused children physically and psychologically;
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> • boasted of having sex with underage girls in the cult;
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> • and has had at least 15 so-called "wives."

The ATF raid was initiated in advance of anticipated annual March budget hearings in Congress, and Mike Wallace of CBS' *60 Minutes* noted in a May 23, 1993 broadcast after the end of the siege that "almost all the agents we talked to said they believe the initial attack on that cult in Waco was a

publicity stunt — the main goal of which was to improve ATF's tarnished image." Indeed, earlier in the year Wallace had aired a program alleging a culture of sexual harassment against women in the agency. The codename for the eventual February 28 military-style assault, deemed a "dynamic entry" by the ATF, was "Showtime."

And "dynamic entry" was the ATF's first option, not its last option. The U.S. House of Representatives reported on August 2, 1996 after an investigation: "The subcommittees conclude that the ATF was predisposed to using aggressive, military tactics in an attempt to serve the arrest and search warrant. The ATF deliberately chose not to arrest Koresh outside the Davidian residence and instead determined to use a dynamic entry approach. The bias toward the use of force may in large part be explained by a culture within ATF."

In a phone interview with CNN the evening of the initial ATF raid on February 28, Koresh claimed that the ATF agents had started the shooting:

> They started firing at me. And so what happened was is that I fell back at the door, and bullets started coming through the door. And so then what happened was some of the young men with us just started firing on them. And I was already hollering, I was saying "go away." You know, I was hollering "Go away. There's women and children here. Let's talk."

Koresh's interview coincided with the experience of Texas law enforcement when Koresh had a run-in with the law several years earlier. Local officials reported no difficulties talking with Koresh, or with arresting him for an alleged crime (which resulted in a hung jury). McClennan County District Attorney Vic Feazell told the *Houston Chronicle* on March 1, 1993: "We had no problems. We treated them like human beings rather than storm-trooping the place. They were extremely polite people. After the trial, although we didn't agree with everything they believed or said, many of the staff were pretty sympathetic with them."

Though the U.S. government has always claimed that the Davidians fired the first shots, even the FBI concluded in its report *Project Megiddo* that the ATF provoked the Davidians: "The violent tendencies of dangerous cults can be classified into two general categories — defensive violence and offensive violence. Defensive violence is utilized by cults to defend a compound or enclave that was created specifically to eliminate most contact with the dominant culture. The 1993 clash in Waco, Texas at the Branch Davidian complex is an illustration of such defensive violence. History has shown that groups that seek to withdraw from the dominant culture seldom act on their beliefs that the endtime has come unless provoked."

The federal government clearly also violated the federal Posse Comitatus Act during the six-week Waco siege, which bans the use of the military in law enforcement within the territorial United States, since the government used military advisors and tanks to distribute a military-style tear-gas round called CS gas. Use of CS gas canisters was later banned, even in war, by the 1997 International Chemical Weapons Convention, and Davidians later blamed the fire that killed many of the Davidians on the use of the combustible gas canisters to end the siege.

While the official government report stressed that none of the victims of the fire was a direct result of the CS gas canisters, the failure to escape the fire may have been partially — or fully — a result of disability from the gas, which stings the eyes, throat, and skin. This may have been particularly the case for the women and children victims, who were in an enclosed area of the compound where the fumes would be slow to disperse.

The *Washington Post* admitted on September 4, 1999 that the White House's seven years of denying that the government had used military projectiles had proved to be a lie. "The episode has become a painful embarrassment to the FBI, largely because of the bureau's insistence until last week that no military tear gas cartridges or other potentially incendiary weapons were used during the assault."

The *Washington Post* also reported of Richard M. Rogers, the assistant special agent in charge of the FBI's Hostage Rescue Team at Waco:

> Rogers, the agent who gave the authorization to use the military rounds, also was the Hostage Rescue Team commander during an earlier siege against white separatist Randy Weaver in August 1992 in Ruby Ridge, Idaho, in which Weaver's wife, Vicki, was shot and killed by an FBI sniper. "Rules of engagement" drafted by Rogers, which allowed agents to shoot armed suspects on sight, were later deemed illegal by a Justice Department task force. As a result of his role at Ruby Ridge, Rogers was issued a 10-day suspension in 1995 and voluntarily accepted reassignment to a non-tactical management job. He has since retired from the bureau.

Photo of April 19, 1993 fire at Mount Carmel: AP Images

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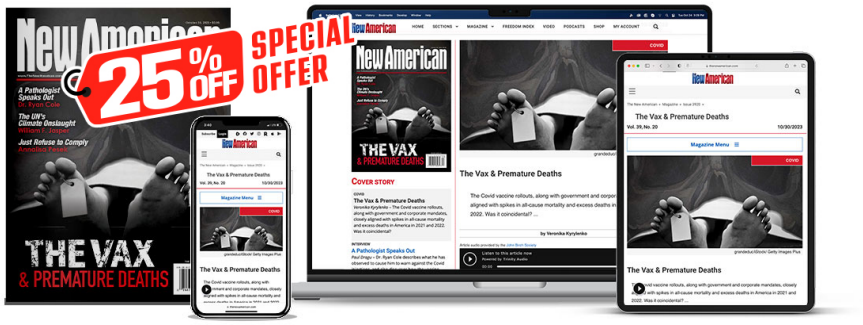

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